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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,432	03/05/2001	Christophe Chevance	PF980059	1692

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EXAMINER
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RAO, ANAND SHASHIKANT

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/786,432	<b>Applicant(s)</b> CHEVANCE ET AL.	
	<b>Examiner</b> Andy S. Rao	<b>Art Unit</b> 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4,7 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,7 and 10-11 is/are rejected.
- 7) ☒ Claim(s) 5,6,8,9,12 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed on 12/13/05 with respect to claims 1-13 have been fully considered but they are not persuasive.
2. Claims 1-4, 7, and 10-11 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Kerdranvrat in view of Lee, as was set forth in the Office Action of 9/8/05.
3. The Applicants present three arguments contending the Examiner's pending rejection of claims 1-4, 7, and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kerdranvrat in view of Lee, as was set forth in the Office Action of 9/8/05. However after a careful consideration of the arguments presented, the Examiner must respectfully disagree for the reasons that follow, and maintain the grounds of rejection.

After summarizing the instant invention (Response of 12/13/05: page 4, lines 1-16), and providing a summary of the Kedranvat reference (Response of 12/13/05: page 5, lines 17-22; page 6, lines 1-8), the Applicants argue that Kedranvat fails to disclose "a stage of reassignment..." as in the claims (Response of 12/13/05: page 5, lines 9-27. The Examiner respectfully disagrees. While selection of each dominant vector corresponding to each field is done before comparison of the dominant vectors with each other, it is noted that for each dominant vector, as a part of the time filtering phase, the dominant vector is chosen from the Nmax vectors of the current frame and the stored dominant vectors on the buffer memory MEM2 (Kedranvat: column 7, lines 20-45). It is the final dominant vector selection of the current frame after the execution of the time filtering phase that reads on the limitation in question, and not the generation of the two dominant motion vectors for each of the frames. It is noted that when the

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preceding image's dominant vector becomes the current image, this process is repeated for that vector is as well. Additionally, it remains unclear if the stored dominant vectors always correspond to the immediately preceding image, but since the claims are only directed towards "a preceding image" and not the immediately preceding image, the Examiner notes that the stored dominant vectors of MEM2 would read on it. Accordingly, the Examiner maintains that this limitation is met.

4. Additionally, the Applicants argue that Kedranvrat fails to disclose the use of single histogram as in the claims (Response of 12/13/05: page 5, lines 28-33; page 6, lines 1-30; page 7, lines 1-2). The Examiner respectfully disagrees. The Applicants already admit that Kedranvrat takes a first and a second histogram and combines them (Response of 12/13/05: page 6, lines 1-7) for the elimination of vectors in the selection process. It is submitted that the combination of the histograms would result in a single histogram as in the claims. Additionally, this whole discussion of the single histogram is irrelevant, especially since the element fails to appear anywhere in the claims. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a single histogram) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). It is further noted, that even if the claims were amended to include this limitation, the Examiner would still hold that Kedranvrat would meet the limitation as a result of the discussed combination step.

5. Lastly, the Applicants argue that Lee fails to disclose the argued deficiencies of the primary reference (Response of 12/13/05: page 7, lines 3-30; page 8, lines 1-8). In response to

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applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.

See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

### ***Allowable Subject Matter***

6. Claims 6, 8, 9, 12-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The combination of elements claimed in the objected to claims was not found in a prior art search nor considered obvious by the Examiner, because the closest prior art uses a different assignment method with regards to the assignment of the predominant vectors. Accordingly, if claims 5-6, 8-9, and 12-13 are amended as indicated, and finally rejected claims 1-4, 7, and 10-11 are canceled, the application would be placed in a condition for allowance.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (571)-272-7337. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andy S. Rao  
Primary Examiner  
Art Unit 2613

asr  
March 2, 2006

ANDY RAO  
PRIMARY EXAMINER

